

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LEGACY RECORD, INC., a Nebraska corporation;

Plaintiff,

vs.

DOES 1 THROUGH 50,

Defendant.

8:23CV519

ORDER TO SHOW CAUSE

This matter comes before the Court after a review of the docket and pursuant to NECivR 41.2, which states in relevant part: "At any time, after appropriate notice, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution."

Plaintiff sued fifty John Does ("Doe Defendants") and three named Defendants: Louis Vincent Mbullo ("Mbullo"), Tunescape Limited ("Tunescape"), and Ziiki Holdings PVT Ltd. ("Ziiki"). Plaintiff has not progressed its case against the Doe Defendants. The Clerk entered default pursuant to Fed. R. Civ. Proc. 55(a) as to the named Defendants on May 21, 2024. Filing Nos. [16](#) and [18](#). Plaintiff subsequently moved for default judgment against all three named Defendants. [Filing No. 21](#).

On October 15, 2024, the Court denied Plaintiff's motion for default judgment against Tunescape and Ziiki without prejudice for lack of personal jurisdiction because Plaintiff failed to allege or demonstrate these Defendants established minimum contacts with Nebraska. [Filing No. 23](#). The Court also denied Plaintiff's motion for default judgment against Mbullo in part but found default judgment appropriate as to Plaintiff's claims for breach of contract and accounting. Accordingly, the Court ordered Mbullo to provide a full accounting as set forth in its Order on or before November 15, 2024. Mbullo has not

provided this accounting and a review of the docket reveals this case has not otherwise progressed since the Court's October Order on Plaintiff's motion for default judgment.

Plaintiff has a duty to prosecute its case against the Doe Defendants and defaulted Defendants Tunescape, Ziiki, and Mbullo. Plaintiff may, for example, renew its motion for default judgment against Tunescape and/or Ziiki, move for sanctions against Mbullo for failing to comply with the Court's October 15, 2024 Order, and/or take any other action as appropriate, including seeking a stay for the parties to pursue settlement or voluntarily dismissing any claims Plaintiff no longer intends to prosecute. See [Filing No. 22-1](#) (Plaintiff represented in its response to a prior show cause order Plaintiff and Mbullo were, at the time, engaged in settlement discussions).

Accordingly,

IT IS ORDERED that Plaintiff shall have until January 13, 2025 to show cause why its claims against (1) the Doe Defendants, (2) Tunescape and Ziiki, and (3) Mbullo shall not be dismissed pursuant to NECivR. 41.2 for want of prosecution. The failure to timely comply with this Order may result in the dismissal of Plaintiff's claims against one or all of the Defendants without further notice.

Dated this 16th day of December, 2024.

BY THE COURT:

s/ Jacqueline M. DeLuca

United States Magistrate Judge